Determining Prior Periods of Honorable Service

Has the SM ever had a break in active service of at least one day?¹ YES

Has the SM's entire period of active service NO been as a commissioned officer?



Has the SM served longer than the entire length of the first active duty enlistment commitment?2

Was the prior period of service honorable for VA purposes?

Is any discharge

based on subversive

activity?³



YES

Ineligible for VA benefits predicated upon the prior period of honorable service

No controlling guidance: Statutory and regulatory language indicate no prior period of service

Ineligible for VA benefits predicated upon a prior period of service: SM's first period of service is incomplete

Did any misconduct that formed the basis of the separation occur during any portion of the first active duty enlistment commitment?2



NO

VA will perform a COS determination for the first period of service for VA purposes

SM is eligible for VA benefits predicated upon the first period of honorable service

SM is eligible for VA benefits predicated upon the prior period(s) of honorable service

The entire length of the first active duty commitment is calculated by adding the length of the enlistment commitment to the initial date of active duty. An intervening reenlistment is not relevant.

Typically evidenced by the issuance of a DD Form 214. See Part V.C; 38 U.S.C. § 3105 (2006)

How to calculate subsequent periods of honorable service is an unsettled area of law. See Part V and Appendix C-2 for further guidance.



 Advise the client on the possible VA COS determination for each period of service. See Parts VIII & IX and Appendices F & L for further guidance. Continue comprehensive analysis.



Does the SM have two or more reenlistments without a break in active service?

